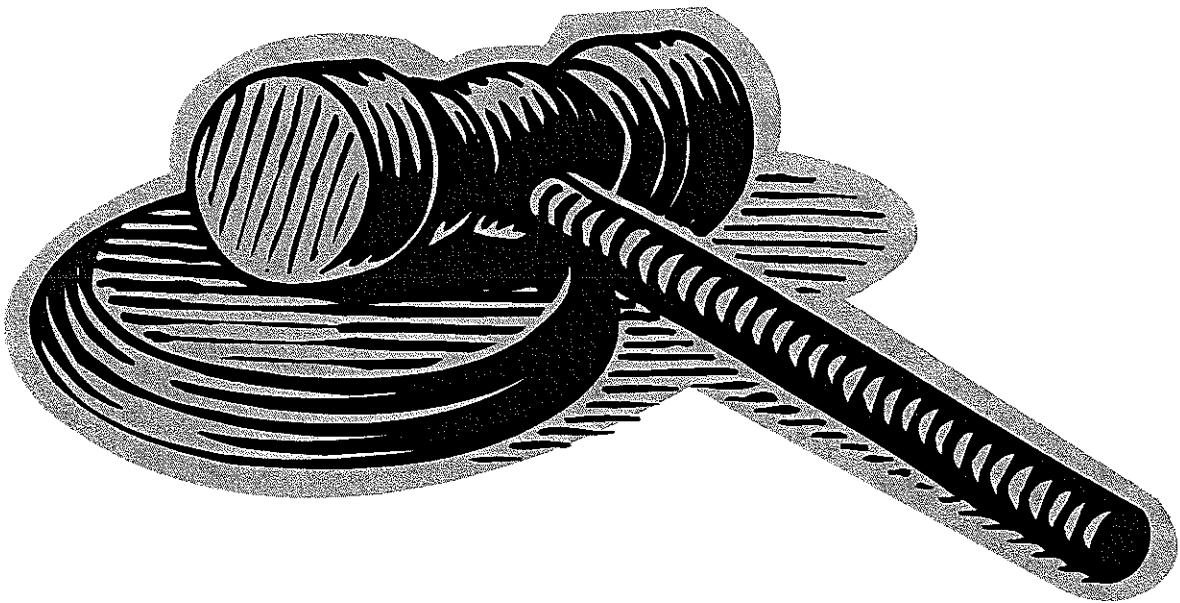
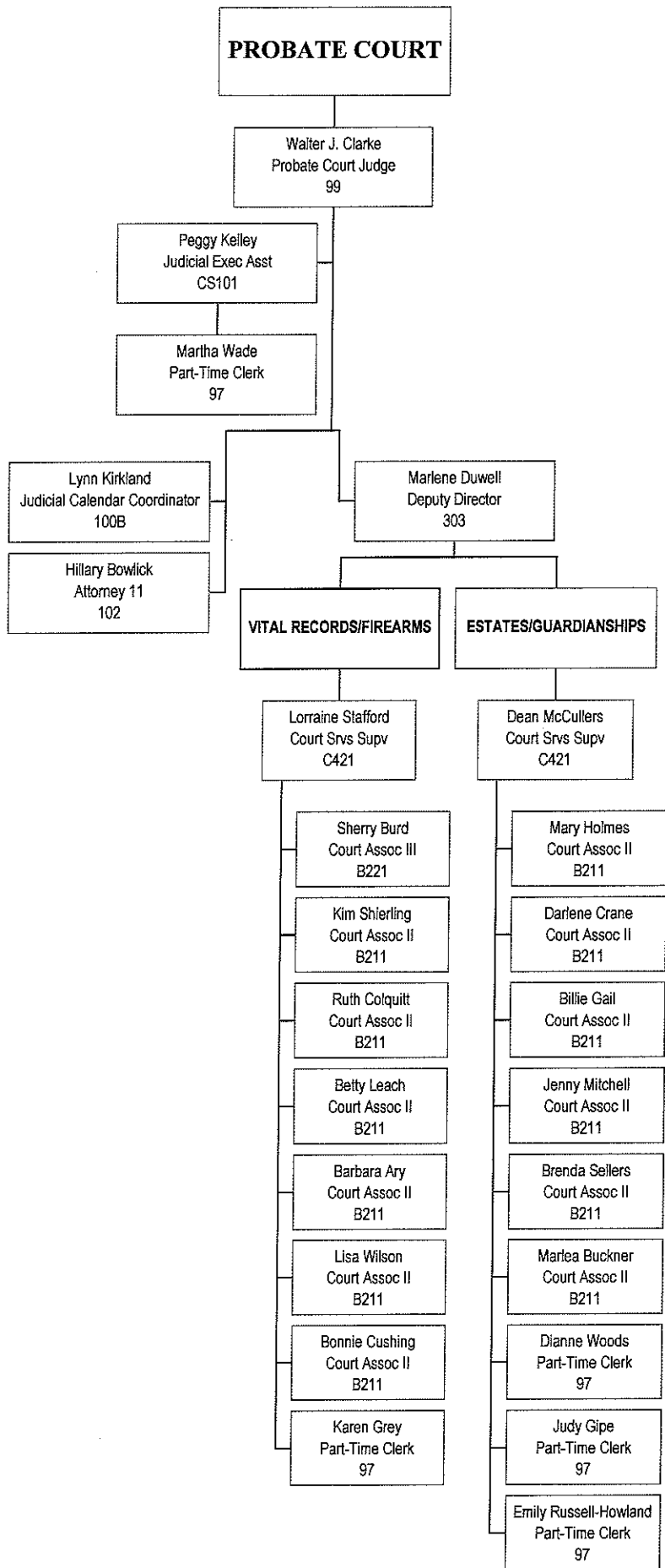


*Gwinnett  
County  
Probate Court*





**PROBATE COURT**  
**Gwinnett County**

**Judge Clarke's Employees Job Titles and Functions**

**JUDGE**

**Walter J. Clarke**

Probate Judge for approximately 800,000 Gwinnett Citizens

**DIVISION / CHIEF CLERK**

**Marlene Duwell**

Division Director's position has primary responsibility for the administrative workings of the Probate Court. Both the Court Services Supervisor for estates and the Court Services Supervisor for Vital Records report to the Division Director.

As the Chief Clerk, this position has judicial responsibilities. The Chief Clerk reviews and grants petitions for uncontested cases, primarily consisting of temporary guardianships, probate in solemn form, administrations, and year's support. As an attorney with more than seven years experience, the Judge can and does appoint the Chief Clerk to handle contested cases and the overflow caseload on the Court Calendar. Most of the Court's Orders to Apprehend(Mental Health) and Involuntary Commitment proceedings matter are handled on an as-needed basis when the Judge is absent from the Court.

**LAW CLERK**

**Hillary Bowlick**

Prepare Orders for Judge and the Chief Clerk, Researches all Legal Issues and Updates Court on Code Changes, Assist Judge Attends Court Hearings, Reviews Cases for Judge and Makes Recommendations, Conducts Adult & Minor Guardianship & Conservatorship Orientations, Performs backup duties for the Judge's Calendar Coordinator, Acts as Liaison for Court to Bar Members and the Public, Provides Assistance To Attorneys, Court Personnel, the Public and other Agencies regarding Court Procedures, Policies, and Probate Codes, Drafts Correspondence for Special Issues on Cases, Drafts Legislative Proposals for the Probate Courts

## **JUDICIAL ASSISTANT**

**Peggy Kelley**

Oversees and Reviews Annual returns, Inventories Assets Management Plans, Personal Status Reports, Processes and Maintains all Cases for Conservators of Property for Minors, Attends Court Hearings and Conducts Orientation for Duties of Conservators, Balances Monthly Court Earnings, Prepares all Required Audit Documents for Fiscal Year and Quartley Caseload Reports, Prepares Loyalty Oaths for Elected Officials and Provides Dedimus and Certificate to Secretary of State, Prepares Campaign Disclosure Reports, Manages Missing Heir Accounts, Prepares Correspondence Letters for Judge, Prepares FiFa's, Verification of Bonds, Terminal Agency Coordinator for G.C.I.C.

## **CALENDAR COORDINATOR**

**Lynn Kirkland**

Schedules Court and Jury Trial Hearings, Maintains Court Calendar for all Events, Processes Motions for Continuance and Leave of Absence, Prepares Court Orders, Correspondence and Court Documents, Balances Daily Court Revenues and Prepares Court Deposit, Processes Appeals, Maintains Docket & Files and Records Oath and Bonds for Elected Officials, Provides Assistance to Attorneys and the Public, Data Entry on Cases, Processes Petitions on Assigned Cases, Assist Attorney and the Public

## **COURT SUPERVISOR-ESTATES AND GUARDIANSHIPS**

**Dean McCullers**

Supervises 9 Clerks in the Estate and Guardianship Division, Trains and Assigns Work, Disseminating Cases to Clerks, Assist Judge with Special Issues on Cases, Assist with Budget Preparation, Processes Payment for Court Appointed Attorney/Guardian/ad litem/Physicians, Liaison for Court I.T, Updates Court's Database for Estate and Guardianship Division, Prepares Correspondence to Attorneys and the Public, Provides Assistance to Attorney and other Agencies on Case Pending, Prepares Standard Orders and Notices, Coordinates Caseload Activity for Law Clerk or Judge

## **PROCESSING CLERKS-ESTATES AND GUARDIANSHIPS**

**Jenny Mitchell**

**Marlea Buckner**

**Billie Gail**

Maintains Caseload on Assigned Cases, Answers Estate & Guardianship Telephone Calls, Prepares Order for Service, Notices, Standard Orders and Letters, Administers Oaths, Prepares Payment Request for Court Appointed Attorney/Guardian ad litem/Physicians, Draft Correspondence on Assigned Cases, Computes & Journals Court Fees, Balances Daily Till,

Backup to Front Estate Clerks, Mails Orders for Hearings and Notices, Prepares Certificate of Mailings, Processes Daily Mail, Arranges Appointment for Court Ordered Evaluations, Prepares Cases for Judge's Review and Signature, Prepares Orders for Court Appointments for Attorneys/ Guardian ad litem and Physicians, Insures all Parties are Properly Notified of Court Proceedings

### **FRONT IN TAKE CLEKRS-ESTATES AND GUARDIANSHIPS**

**Mary Holmes**

**Brenda Sellers**

**Darlene Crane**

Receives and Files, Petitions, Motions and Documents, Assigns New Cases, Administers Oaths, Issues Certified and Exemplified Copies, Retrieves Cases for Public and Attorneys, Assist Public with Court Database and Docket Book Research, Answers General Questions on Probate Process and Procedures, Backs up Receptionist, Computes Court Fees, Balances Daily Till, Processes Certificate of Residence, Assigns Firearms Cases, Data Entry on New Cases, Processes Creditor Letters and Claims

### **RECEPTIONIST P/T**

**Judy Gipe**

Receives Incoming Telephones and Directs to Appropriate Court Personnel, Greets Public, Answer General Questions, Scans Birth & Death Certificates and All Guardianship Petitions, Prepares Packets for Marriage & Firearms Applications, Performs Estate Search Request, Data Entry

### **SUPPORT CLERKS P/T**

**Dianne Woods**

**Emily Howland**

Scans and Numbers Estates Cases, Prepares GCIC Log, Performs Criminal Background Checks, Prints Weekly Publication Notices, Processes Estate Searches & Creditor Claims, Mails, Processes Orders for Hearings, Granting of Order & Letters, Data Entry Updates, Reception Desk Duties

### **PROBATE COURT -VITAL RECORDS**

### **COURT SUPERVISOR- VITAL RECORDS**

**Lorraine Stafford**

Supervises Firearms and Vital Records Clerks, Prepares Budget, Processes Time Sheets, Orders Office Supplies, Pay Court Invoices, Handles all HR Functions for the Court, Assist the Public with concerns relating to the Probate Court Vital Records Division and Performs other tasks necessary for the Probate Judge and Deputy Director as needed

## **LEAD WORKER III-VITAL RECORDS**

**Sherry Burd,**

Processes Firearms Applications, Fireworks Permit Applications and Court Orders relating to revocations and denials for Firearm Permit Applications and Court Ordered legal changes relating to Marriage and Birth Records. Serves as Lead Worker to Vital Records Clerks, and fills in when Court Services Supervisor of Vital Records Division is not available, including, but not limited to input of bi-weekly time sheets. Processes all Vital Records Journal Deletions. Assist customer when needed

## **COURT ASSOCIATE II CLERKS-VITAL RECORDS**

**Betty Leach**

Assist the Lead Worker III in Vital Records with the processing of all Firearms Permit Applications, fills in when needed in the Vital Records Office, Assisting Customers with Birth and Death Certificate concerns, Marriage Applications/Certificates, and Firearm Permit Applications

**Lisa Wilson, Ruth Colquitt, Barbara Ary, Bonnie Cushing, Kim Shierling**

All Clerks work in the Vital Records Division assisting customers with Birth and Death Certificates concerns, Processes Marriage Applications, Issuing Marriage License and Certificates, Processing Vital Records mail request, data entry of Birth and Death Certificates into Sustain and Filenet Systems, work closely with Funeral Homes processing Death Certificates, Works closely with the State Department of Vital Records in Atlanta via the VEIS state-wide data base system

## **PART-TIME CLERK**

**Karen Grey**

Process all Mail Request, Assist Customers with Vital Records Concerns

**GWINNETT COUNTY PROBATE COURT**  
**Jurisdiction**

**TITLE 3 Regulation of Alcoholic Beverages**

Issuing Certificate of Residence

**TITLE 9 Execution and Judicial Sales**

Naming Newspaper as Official Legal Organ for Notices  
Maintains All Legal Notices in Official Newspaper

**TITLE 16 Carrying A Concealed Weapon**

Issue Firearms Permits for Concealed Weapons  
Revoking Firearms Permits

**TITLE 19 Marriage Generally**

Issue Marriage Licenses

**TITLE 25 Fire Protection & Safety**

Permits to Conduct Public Firework Displays

**TITLE 29 Guardian and Ward**

Appointment of Conservators for Minors and Adults  
V.A. Guardianships  
Compromise Claims for Minors and Adults  
Restoration of a Ward  
Appointment of Permanent Guardians for Minors and Adults  
Appointment of Emergency Guardians and Conservators for Adults  
Appointment of Foreign Guardian  
Appointment of Temporary Guardians for Minors  
Stand by Guardians

**TITLE 31 & 43 Vital Records**

**Birth Certificates:**

Issuing Birth Certificates  
Processing amendments to Birth Certificates  
Paternity Acknowledgments  
Legitimation, Delayed  
Process name Changes on Birth certificates

**Death Certificates:**

Issuing Death Certificates  
Processing amendments to Death Certificates  
Disinterment/Re-interment Permits

Disposition Permits  
Appoint Person(s) to determine Funeral Arrangement of Remains  
**Temporary Health Care Placement for An Adult**  
Authorizing Transfer of an Adult to a Permanent Care Facility

**TITLE 33 Insurance**

Orders Certifying Publisher's Affidavits

**TITLE 36 County Boundaries**

Change of County Boundary Line

**TITLE 37 Mental Health**

Orders to Apprehend for Involuntary Mental Health Evaluation  
Involuntary Hospitalization Hearings  
Involuntary Sterilization Proceedings

**TITLE 44 Georgia Transfer to Minors Act**

Transfers to Minor Act to Appoint Custodian of Minors  
Removing Obstructions From Private Ways  
Exemption from Levy and Sale

**TITLE 45 Public Officers**

Maintains Public Official Oaths & Bonds

**TITLE 53 Wills and Administration**

**Wills**

Wills for Safekeeping  
Processes Petitions to Open Safety Deposit Box  
Cite Parties to Compel Filing of Wills

**Probate of Wills**

Petitions to Determine Heirs  
Presumption of Death of Individual Believed to be Dead  
Matters Involving Ancillary Probate  
Probate of Wills  
Hearings on Construction of Wills

**Administrations**

Appointment of Temporary and Permanent Administrators  
Processing No Administration Necessary Petitions  
Processing Year's Support Applications  
Processing and Recording in Deed Room Certificate of Year's Support Award  
Petitions to Convey or Encumber Property Previously Set Aside for Year's Support



## **TITLE 29 & 53**

### **Executors, Administrators, Conservators, Guardians**

Review Inventories filed by Fiduciaries

Approve Asset Management Budget Plans for Minors and Adults

Approve Annual Returns filed by Fiduciaries

Caveat Hearings

Processing and Approving Discharge Petitions

Hearing on Final Accounting and Settlement of Accounts

Processing Resignations by Fiduciaries

Removing Fiduciaries for malfeasance

Appointment of Successor Fiduciaries

Reviewing Petitions for Extra Compensation

Processing Petitions for Leave to Sell Property Public and Private

Processing and Approving Petitions to Encroach

Reviewing and Approving Investment Plans for Conservators

Examines Personal Status Reports

Establishing and Maintaining Missing Heir(s) Account

Processes and Approves Petitions for Division in Kind

## **REQUIRED MANDATES FOR PROBATE COURT ARE BY JURISDICTION**

Future budget cuts will not eliminate services the Court Provides because our service are mandated by law.

Budget cuts will create delays in which cases can be processed and heard. Delays in the appointment of representation of decedent's estates or guardians and or conservators of disabled adults will result in debts of the above being unpaid. No one will be authorized to protect and preserve the assets of a decedent or incapacitated adult or make critical medical decisions for an incapacitated adult.

### **NON-MANDATED SERVICES**

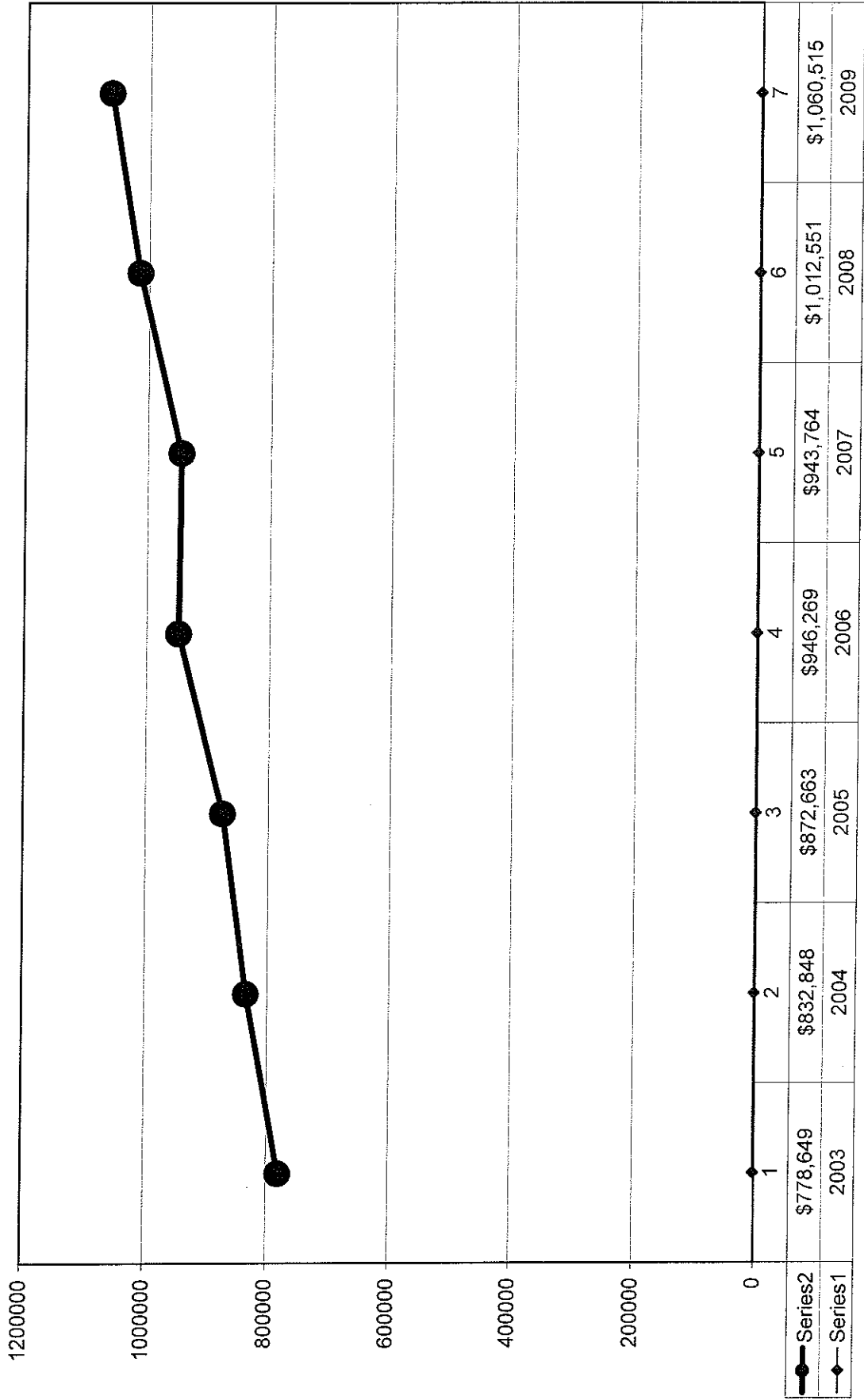
There are no non-mandated services in the Probate Court, all are mandated.

**Probate Court Budget Comparison for Years 2006, 2007, 2008, and 2009**

	<u>2006 Budget</u>	<u>2006 Actual</u>	<u>2007 Budget</u>	<u>2007 Actual</u>	<u>2008 Budget</u>	<u>2008 Actual</u>	<u>2009 Budget</u>	<u>2009 Actual</u>
<b>PERSONAL SERVICES</b>	\$ 1,354,280.28	\$ 1,264,580.06	\$ 1,391,281.00	\$ 1,347,139.00	\$ 1,462,144.00	\$ 1,349,801.81	\$ 1,458,339.00	\$ 1,208,715.84
** Salaries & Wages	\$ 971,355.00	\$ 875,520.73	\$ 997,884.00	\$ 943,357.38	\$ 1,033,751.00	\$ 972,371.78	\$ 1,012,285.00	\$ 878,087.13
** Employee Benefits	\$ 237,979.68	\$ 222,818.78	\$ 239,738.00	\$ 233,888.25	\$ 258,373.00	\$ 240,924.91	\$ 268,663.00	\$ 214,400.51
** Pension	\$ 144,945.60	\$ 166,240.55	\$ 153,659.00	\$ 169,893.37	\$ 170,020.00	\$ 136,505.12	\$ 177,391.00	\$ 116,228.20
<b>GENERAL OPERATING EXPENSES</b>	\$ 142,541.00	\$ 136,336.05	\$ 148,126.00	\$ 129,857.78	\$ 147,000.00	\$ 149,435.38	\$ 200,960.00	\$ 146,394.46
** Court Services/Support	\$ 12,250.00	\$ 5,661.04	\$ 11,650.00	\$ 6,880.00	\$ 11,700.00	\$ 7,875.00	\$ 9,857.00	\$ 6,039.25
** Indigent Defense	\$ 33,200.00	\$ 30,591.20	\$ 33,000.00	\$ 39,045.75	\$ 35,000.00	\$ 40,538.30	\$ 53,460.00	\$ 53,526.82
** Prof. Serv./Rental/Leases	\$ 28,212.00	\$ 37,243.58	\$ 28,793.00	\$ 28,461.09	\$ 33,800.00	\$ 35,788.70	\$ 33,119.00	\$ 30,159.71
** Office FF&E R&M/Subscriptions Postal & Telcom Services	\$ 17,100.00	\$ 18,632.65	\$ 28,434.00	\$ 16,163.84	\$ 25,800.00	\$ 16,464.75	\$ 24,100.00	\$ 14,269.87
Dues & Fees								
** Office Supplies/Printing/Books Misc. Services & Charges	\$ 42,381.00	\$ 36,906.99	\$ 39,200.00	\$ 34,386.85	\$ 33,700.00	\$ 44,432.17	\$ 73,024.00	\$ 36,794.72
** Travel/Conference/Training	\$ 9,398.00	\$ 7,300.59	\$ 7,049.00	\$ 4,920.25	\$ 7,000.00	\$ 4,336.45	\$ 7,400.00	\$ 5,604.09
<b>CONTRIBUTIONS</b>	\$ 32,831.76	\$ 32,831.52	\$ 21,808.00	\$ 21,807.98	\$ 15,047.00	\$ 14,741.01	\$ 15,513.00	\$ 14,220.03
<b>TOTAL ADOPTED YEARLY BUDGET:</b>	\$ 1,529,653.04	\$ 1,433,747.63	\$ 1,561,215.00	\$ 1,498,804.76	\$ 1,624,191.00	\$ 1,513,978.20	\$ 1,674,812.00	\$ 1,369,330.33

(As of 11/15/09)

# PROBATE COURT REVENUE 03-09



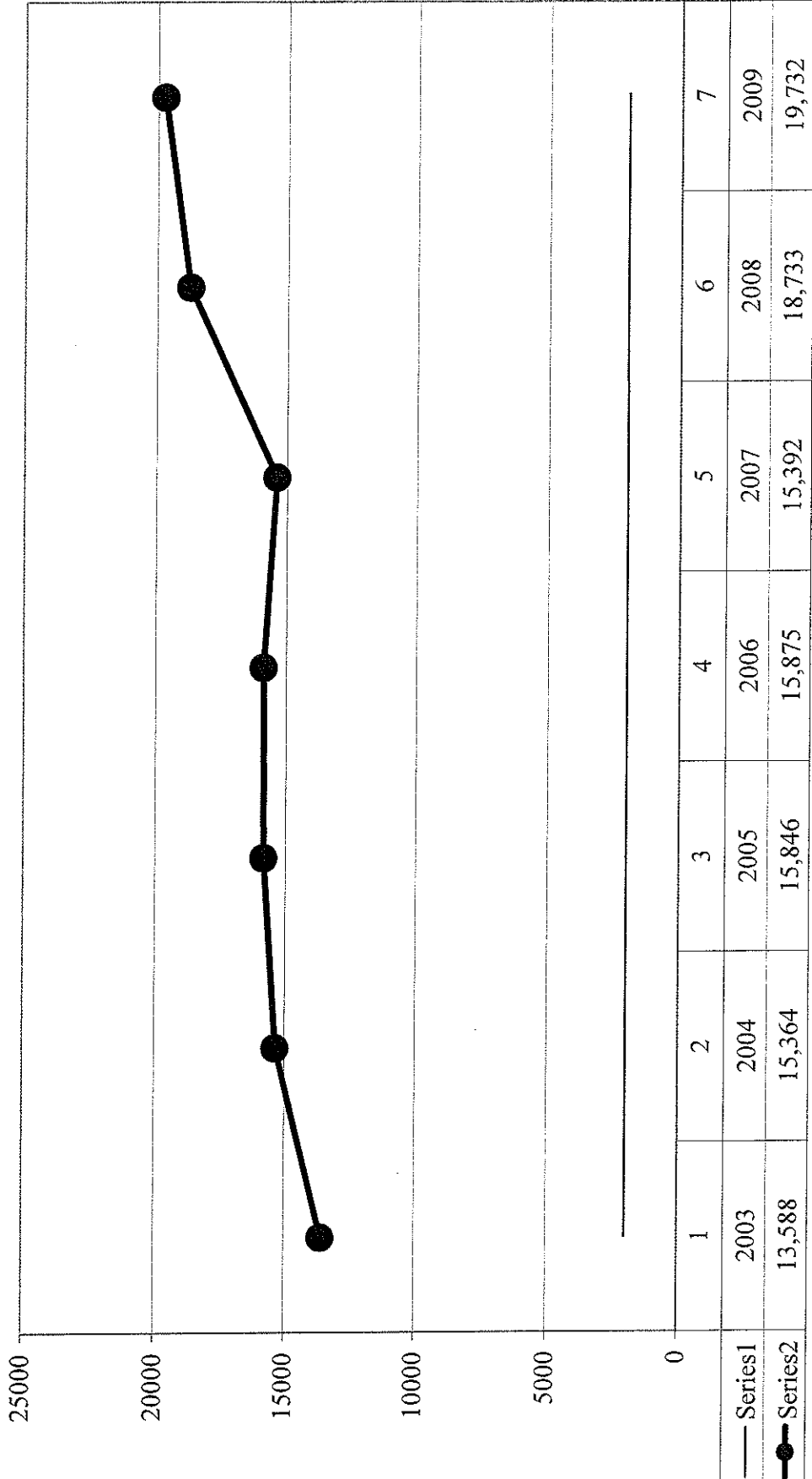
# TOTAL REVENUE FOR PROBATE COURT 2003-2009

	2003	2004	2005	2006	2007	2008	2009
January	\$ 66,843	\$ 71,559	\$ 66,116	\$ 75,351	\$ 84,075	\$ 81,075	\$ 86,961
February	\$ 62,748	\$ 66,431	\$ 65,017	\$ 78,504	\$ 79,037	\$ 89,199	\$ 89,891
March	\$ 68,388	\$ 78,121	\$ 86,095	\$ 91,392	\$ 83,921	\$ 80,357	\$ 103,613
April	\$ 69,639	\$ 71,123	\$ 75,404	\$ 72,414	\$ 77,516	\$ 84,251	\$ 90,917
May	\$ 53,178	\$ 68,304	\$ 73,727	\$ 85,621	\$ 77,106	\$ 80,855	\$ 88,910
June	\$ 73,794	\$ 68,185	\$ 69,621	\$ 86,879	\$ 77,987	\$ 82,585	\$ 95,907
July	\$ 71,586	\$ 81,033	\$ 70,444	\$ 77,027	\$ 86,398	\$ 88,112	\$ 97,784
August	\$ 76,811	\$ 83,396	\$ 89,427	\$ 100,427	\$ 102,564	\$ 100,407	\$ 98,541
September	\$ 63,777	\$ 65,171	\$ 71,948	\$ 70,827	\$ 69,937	\$ 84,800	\$ 87,179
October	\$ 64,978	\$ 63,181	\$ 68,742	\$ 74,223	\$ 74,276	\$ 85,076	\$ 80,812
November	\$ 50,048	\$ 58,418	\$ 68,659	\$ 68,448	\$ 68,537	\$ 70,365	(Estimated) \$ 70,000
December	\$ 56,859	\$ 57,926	\$ 67,463	\$ 65,156	\$ 62,410	\$ 85,469	(Estimated) \$ 70,000
<b>Total</b>	\$ 778,649	\$ 832,848	\$ 872,663	\$ 946,269	\$ 943,764	\$ 1,012,551	(Estimated) \$ 1,060,515

ORDERS FILED 1/1/2009 TO 11/23/2009

MONTH	NUMBER OF ORDERS FILED
JANUARY	469
FEBRUARY	610
MARCH	662
APRIL	628
MAY	460
JUNE	705
JULY	612
AUGUST	744
SEPTEMBER	757
OCTOBER	570
NOVEMBER	430
DECEMBER	N/A
TOTAL	6,647

# PROBATE PETITIONS, MOTIONS, AND APPLICATIONS FILED 2003-09



**PROBATE PETITIONS, MOTIONS, &  
APPLICATIONS FILED 2003-09**

YEAR	ESTATE CASE FILINGS	MARRIAGE LICENSE	FIREARMS	TOTAL PETITIONS, MOTIONS, APPLICATIONS FOR 2003-09
2003	5,196	5,118	3,274	13,588
2004	5,409	5,870	4,085	15,364
2005	5,632	6,188	4,026	15,846
2006	5,486	6,610	3,779	15,875
2007	5,639	5,796	3,957	15,392
2008	5,974	5,333	7,426	18,733
2009	5,559 (estimate)	5,284 (estimate)	8,889 (estimate)	19,732 (estimate)



<b>ORDERS FILED</b>	<b>JAN.</b>	<b>FEB.</b>	<b>MAR.</b>	<b>APR.</b>	<b>MAY</b>	<b>JUN.</b>	<b>JUL.</b>	<b>AUG.</b>	<b>SEPT.</b>	<b>OCT.</b>	<b>NOV.</b>	<b>DEC.</b>	<b>ORDERS FILED 1/1/09 TO 11/23/09</b>
ORDER FILE OR DISMISSED OR DENIED	31	46	32	22	24	47	11	26	18	36	30	N/A	<b>323</b>
AMENDED ORDER	13	7	10	9	1	5	6	10	7	5	5	N/A	<b>78</b>
CONSENT ORDER/AGREEMENT	3	1	2	4	2	1	2	2	0	4	2	N/A	<b>23</b>
CONTEMPT ORDER	1	0	0	0	0	0	0	0	0	0	0	N/A	<b>1</b>
FINAL ORDER	32	28	47	40	23	59	47	46	51	50	44	N/A	<b>467</b>
MEDIATION ORDER	0	0	0	0	0	0	1	0	0	0	0	N/A	<b>1</b>
ORD-APPT OF HEARING OFFICER	1	3	0	3	3	1	1	2	3	2	2	N/A	<b>21</b>
ORDER APPOINTING CONSERVATOR OF PROP	0	0	0	0	0	1	0	1	0	4	0	N/A	<b>6</b>
ORDER APPOINTING COUNTY ADM/GUA	0	3	0	0	0	0	4	1	0	2	0	N/A	<b>10</b>
ORDER APPT. ATTORNEY	4	7	15	7	5	15	14	9	10	3	4	N/A	<b>93</b>
ORDER NOTICE/GUARD AD LITEM/BOND	19	33	25	33	18	31	30	35	19	24	21	N/A	<b>288</b>
ORDER APPOINTING PRESIDING JUDGE	0	0	0	0	0	0	0	1	0	0	0	N/A	<b>1</b>
ORDER APPOINTING SUCCESSOR	0	0	0	0	2	0	0	1	0	0	0	N/A	<b>3</b>
ORDER APPOINTING SPECIAL PROCESSOR	0	1	0	0	0	1	1	1	0	1	1	N/A	<b>6</b>
ORDER APPROVING ANNUAL RETURN	0	18	47	48	62	46	56	33	67	44	40	N/A	<b>461</b>
ORDER APPROVING ASSET MANAGE PLAN	31	41	39	40	25	41	25	43	27	31	29	N/A	<b>372</b>
ORDER APPROVING DISTRIBUTION	0	0	0	0	0	0	0	0	1	0	0	N/A	<b>1</b>
ORDER APPOINTING EXAMINING TEAM	0	0	0	0	0	0	0	0	1	0	0	N/A	<b>1</b>
ORDER CANCELLING HEARING	1	2	0	2	3	0	0	0	1	2	1	N/A	<b>12</b>
ORDER CLOSING HEARINGS	0	0	0	0	0	0	0	0	1	0	0	N/A	<b>1</b>
ORDER COMBINING FILES	0	2	0	0	0	0	0	0	0	2	2	N/A	<b>6</b>
ORDER COMPLETE/DENY TEMP GUARD	8	23	17	12	8	5	3	23	46	2	2	N/A	<b>149</b>

ORDER FINAL SETTLEMENT OF ACCOUNTS	4	0	1	4	0	3	3	2	0	0	0	0	N/A	17
ORDER FOR ACCOUNTING	1	2	4	1	1	2	1	0	0	2	1	1	N/A	15
ORDER FOR AUDIT	0	0	3	1	2	0	2	1	0	0	1	1	N/A	10
ORDER FOR CONTINUANCE	8	4	1	9	13	6	9	9	5	11	5	5	N/A	80
ORDER FOR SERVICE	88	102	107	97	84	123	98	135	126	90	47	47	N/A	1097
ORDER GRANTING	160	193	210	217	111	248	195	280	298	178	142	142	N/A	2232
ORDER GRANTING ATTY WITHDRAWAL	1	3	1	0	1	0	0	2	1	1	1	1	N/A	11
ORDER GRANTING COMPENSATION/FEES	0	0	0	0	0	0	0	1	0	0	0	0	N/A	1
ORDER GRANTING EXTENSION FOR TIME	1	1	2	2	0	0	5	2	2	1	0	0	N/A	16
ORDER GRANTING PAUPERS AFFIDAVIT	4	9	5	3	3	3	15	7	8	1	3	3	N/A	61
ORDER NON-APPROVAL/ANNUAL RETURN	1	2	5	2	1	3	4	2	0	7	3	3	N/A	30
ORDER EVALUATION/HEARING	25	41	36	44	24	32	50	36	23	36	25	25	N/A	372
ORDER REVOKING	9	5	2	3	6	4	2	3	7	3	3	3	N/A	47
ORDER SUSPENDING LETTERS	0	0	0	0	0	0	0	0	1	1	1	1	N/A	3
ORDER TERMINATING	3	3	5	0	0	0	5	2	5	2	0	0	N/A	25
ORDER TO VACATE	0	3	1	1	1	1	0	0	1	0	0	0	N/A	8
ORDER TO INCREASE/REDUCE BOND	3	0	3	3	3	7	1	8	2	4	0	0	N/A	34
ORDER TO RECUSE	0	0	0	0	0	0	1	0	0	0	0	0	N/A	1
ORDER TO TRANSFER	4	1	6	6	3	3	1	2	2	5	2	2	N/A	35
ORDER-OTHER	12	24	30	10	26	14	14	12	17	13	10	10	N/A	182
ORDER-SHOW CAUSE	1	0	1	1	0	0	0	1	0	0	0	0	N/A	4
RENDER JUDGMENT ORDER	0	0	0	0	0	0	0	0	1	0	0	0	N/A	1
RETENTION ORDER MENTAL HEALTH	0	0	0	0	1	0	0	0	0	0	0	0	N/A	1
SPECIAL ORDER	0	2	0	3	3	2	5	2	6	3	4	4	N/A	30
PRE-TRIAL ORDER	0	0	5	0	0	0	0	3	0	0	0	0	N/A	8
<b>TOTAL</b>	469	610	662	628	460	705	612	744	757	570	430	430	N/A	<b>6,647</b>